

1
2
3
4
5
6
7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10

11 NICHIA CORPORATION,

No. C 06-0162 MMC

12 Plaintiff,

13 v.

14 SEOUL SEMICONDUCTOR CO.,LTD., et al.,

15 Defendants
16 _____/

**ORDER GRANTING IN PART AND
DENYING IN PART DEFENDANTS'
ADMINISTRATIVE MOTION TO SEAL
PORTIONS OF DECLARATION OF
BRUCE MCFARLANE UNDER SEAL;
DIRECTIONS TO CLERK; DIRECTIONS
TO DEFENDANTS**

17 Before the Court is defendants' "Administrative Motion to Seal Portions of the
18 Declaration of Bruce McFarlane in Support of Seoul's Sur-Reply," filed January 18, 2008.
19 Having reviewed the motion and the declaration offered in support thereof, the Court rules
20 as follows:


21 1. Defendants have shown Exhibit B to the "Declaration of Bruce McFarlane in
22 Support of Seoul Semiconductor's Sur-Reply to Nichia Corporation's Reply to Seoul's
23 Opposition to Nichia's Motion for Permanent Injunction" is properly sealable, and the Court
24 has previously found the matter referenced in said declaration at 3:19 is properly sealable.
25 (See Order, filed January 9, 2008, at 1:27-28.) Accordingly, the motion is hereby
26 GRANTED in part, and the Clerk is hereby DIRECTED to file under seal the unredacted
27 version of the McFarlane Declaration.

28 2. To the extent defendants seek, based on asserted confidentiality designations by

1 plaintiff, leave to file under seal other portions of the McFarlane Declaration, the motion is
2 hereby DENIED, because plaintiff has not submitted a declaration establishing any such
3 material is properly sealable. See Civil L.R. 79-5(d). Accordingly, defendants are hereby
4 DIRECTED to file in the public record, no later than February 5, 2008, the following portions
5 of the McFarlane Declaration: Page 3:10, 25; Page 4:1, 7-10, 13, 15-17, 20-23; Page 5:5-
6 18, 20-23; Page 6:25; Page 7:1; Exhibits C, D, E, F, J, K, L, M, N, and O. If defendants fail
7 to timely file such exhibits in the public record, the Court will not consider them in ruling on
8 plaintiff's motion for a permanent injunction.

9 **IT IS SO ORDERED.**

10
11 Dated: January 31, 2008


MAXINE M. CHESNEY
United States District Judge